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Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Written statement* submitted by Human Rights Now, a non-governmental organization in special consultative status

The Secretary-General has received the following written statement, which is hereby circulated in accordance with Economic and Social Council resolution 1996/31.

[2 February 2018]

* This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Evacuees of the Fukushima Nuclear Disaster Will Lose Government Assistance Soon

Human Rights Now, a Tokyo-based international human rights NGO, and Greenpeace International[1] are deeply concerned with the human rights situation regarding housing of people affected by the 2011 Fukushima nuclear disaster.

The March 2011 disaster at the Fukushima Daiichi nuclear power station, administered by Tokyo Electric Power Company Holdings (TEPCO) led to mass evacuations of residents from the Prefecture of Fukushima, over 50,000 of whom remain officially evacuated as of December 2017.[2]

During the second half of 2017, three domestic courts found TEPCO liable for damages following the nuclear disaster, two of which also found the government liable for having failed to take preventive measures.[3]

1. Developments in government policy

Over the last several years, the government of Japan has been lifting evacuation orders in areas where public exposure to radiation was permitted to be up to 20 mSv/year, which is significantly higher than the recommended international standard of 1 mSv/year.[4]

Additionally, the Japanese government has slowly decreased its support for Fukushima evacuees.

At the end of March 2017, the government cut off housing support for the 32,000 "self-evacuees" who used to live outside of government-designated evacuation zones. It also stopped counting them in official statistics, which led to an artificial drop in the official number of evacuees despite their continued displacement.[5]

Fukushima Prefecture also announced that it would cease housing support in March 2018 for evacuees from Naraha town and in March 2019 for evacuees from Katsurao village, Kawauchi village, Kawamata town, Minami Soma city, and Iitate village. In total, the government of Japan will stop providing free housing to over 5,000 households by March 2019.[6]

2. Inconsistencies with Human Rights Standards

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1 On behalf of Greenpeace Japan.

2 Fukushima Prefecture's Disaster Response Headquarters, *Heisei 23 nen tōhoku-chihō taiheiyō-oki jishin ni yoru higai jōkyō sokuhō (dai 1729 hō)*, 15 Jan. 2018. http://www.pref.fukushima.lg.jp/uploaded/life/322676_782904_misc.pdf

3 "Government, Tepco ordered to pay ¥500 million in damages for Fukushima disaster", The Japan Times, 10 Oct. 2017. https://www.japantimes.co.jp/news/2017/10/10/national/crime-legal/court-orders-tepco-government-pay-damages-fukushima-disaster/

4 International Commission on Radiological Protection, "2007 Recommendations of the International Commission on Radiological Protection", ICRP Publication 103. http://journals.sagepub.com/doi/pdf/10.1177/ANIB_37_2-4

5 HIRAI Shigeo, " *'Jishu hinan-sha' shinsai tōkei kara jogai – hinan-keizoku, gimon no koe mo*", The Asahi Shimbun, 28 Mar. 2017. https://www.asahi.com/articles/ASK876DSTK87UTNB00S.html; OKADA Hiroyuki, " *'Jishu-hinan' 3.2 man nin, jūtaku-shien uchikiri ni himei*", *Toyo Keizai*, 2 Jan. 2017. http://toyokeizai.net/articles/-/151985.

6 "*Fukushima dai 1 genpatsu jiko ōkyū-kasetsu jūtaku, mushō-teikyō uchikiri – ken, 19 nen 3 gatsumatsu – iitate nado 5 shichōson*", The Mainichi Shimbun, 29 Aug. 2017. https://mainichi.jp/articles/20170829/ddl/k07/040/013000c

(i) The Right to Adequate Housing

The combination of the government's decision to lift evacuation orders in unsafe areas and ending housing support creates financial pressure for displaced persons to return to their previous housing in such areas. However, Principle 15(d) of the UN Guiding Principles on Internal Displacement provides that states must not force internally displaced people to return or resettle in any place where their life, safety, or health would be at risk. Furthermore, Principle 8 of the Pinheiro Principles explicitly calls on states to alleviate the situation of displaced persons living in inadequate housing.

(ii) The Right to Health

The right to health is covered under Article 12 of the ICESCR. Furthermore, among the recent Universal Periodic Review (UPR) of Japan, three countries recommended that Japan ensure evacuees have access to health-care services and that it protect their right to the highest level of physical and mental health.

The Japanese government's reluctance to provide free and comprehensive medical services to all Fukushima evacuees undermines the evacuees' right to health and equality in treatment. This is because in addition to the health risks caused by long-term exposure to radiation, evacuees are also more likely to suffer from various mental disorders, such as Post Traumatic Stress Disorder (PTSD), exacerbated by the instability of prolonged displacement.[7]

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(iii) Discriminatory treatment of women and children

In GPJ's submission dated 30 March 2017,[9] we noted the particularly discriminatory impact of these conditions on women and children evacuees. These impacts include their right to life itself, the right to the highest available standard of physical and mental health, the right to adequate housing, the rights of internally displaced persons, the right to environmentally sound management and disposal of hazardous substances and wastes, and the right to a safe, clean, healthy and sustainable environment. These discriminatory impacts will be felt for generations unless fairness and justice prevail now.

(iv) UN Recommendations specific to the Fukushima Disaster

The Special Rapporteur on the right to health, Anand Grover, submitted a report to the 23rd Human Rights Council recommending that the government of Japan only permit return of evacuees to evacuated areas when radiation doses

7 *See* Associated Press, "Doctors: Radiation not biggest impact on Fukushima health", The Asahi Shimbun, 10 Mar. 2017. http://www.asahi.com/ajw/articles/AJ201703100015.html. "*Hinan-sha, koritsu fukameru PTSD no osore kyūzō 46%*", *The Chunichi Shimbun*, 13 Mar. 2017. http://www.tokyo-np.co.jp/article/national/list/201703/CK2017031302000122.html.

8 Human Rights Council, Japan Review – 28th Session of Universal Periodic Review, 14 Nov. 2017. http://webtv.un.org/search/japan-review-28th-session-of-universal-periodic-review/5644308605001/

9 Greenpeace Japan, "Submission to the UN Human Rights Council: The Fukushima Daiichi nuclear disaster and violations of survivors' human" 30 March 2017, see http://www.greenpeace.org/japan/Global/japan/pdf/Greenpeace_Japan_UPR_Final.pdfright

had been reduced, as far as possible, to levels below 1mSv/year, and that all persons living in areas with higher exposures be provided with sufficient medical care for a long duration.[10]

Additionally, in 2014, the Human Rights Committee (HRCmt) recommended the government "lift the designation of contaminated locations as evacuation areas only where the radiation level does not place the residents at risk."[11] The Japanese government's policy allowing evacuees to return to areas above the recommended limit of 1mSv/year does not conform to the Grover or HRCmt recommendations.

3. Recommendations

With Tokyo hosting the 2020 Olympics, the government of Japan is putting significant effort into compliance with various international standards. In this context, international scrutiny should be focused on the fundamental rights of Fukushima evacuees who have lost their housing support, or may lose it by 2019 under the government's new policies.

We call on the government of Japan to:

- Provide necessary housing support to all Fukushima evacuees, including those who evacuated from outside the government designated areas,as long as needed to ensure their ability to freely choose where they will live without pressure to return areas where their health or life would be at risk;
- Reverse the decision to cease free housing support for Fukushima evacuees, including so called "self-evacuees";
- Improve health monitoring policies from the perspective of greater protection and conduct annual comprehensive health check-ups for residents and former residents of areas most affected by the Fukushima Daiichi nuclear disaster;
- Reduce the acceptable additional annual exposure level in Fukushima-impacted areas to a maximum of 1 mSv/year, which would reflect the international standard.

10 HRC, 2 May 2013, A-HRC-23-41-Add3, http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-41-Add3_en.pdf

11 HRC, 20 Aug. 2014, CCPR/C/JPN/CO/6.